FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2717 of 2007

Niyaz Abdul Rehman ..Applicant.

Vs.

State of Maharashtra ..Respondent.

Mr Shahid Azmi, Advocate for the applicant.

Mr Rajesh More, APP for the State-Respondent.

CORAM: V.C. DAGA,J.

DATED: 14.9.2007.

1. Heard learned counsel for the applicant-accused and learned APP for the State.

2. Perused bail application and the material available on record.

3. The applicant-accused is seeking bail under Section 439 of the Cr.P.C. who is arrested in C.R. No.462 of 2006 registered with Chembur Police Station, for the offence punishable under Section 489 (B), (C) read with Section 34 of the I.P.C.

4. According to the prosecution, on 21.9.2006 at about 13.00 hours one lady by

name Shabana @ Riyana (Accused no.1) came to the ice-cream shop of Mr Rajeev Jayprakash Bharadwaj, the complainant, and purchased ice-cream and tendered one currency note of Rs.1000/-. After the said lady left, the shop owner-the complainant realized that the said currency note was fake.

5. That soon, thereafter, one another lady by name, Shabnam @ Rizwana Feroz Shaikh (Accused No.2) came to purchase ice-cream and approached in a similar manner to the complainant and tendered one currency note of Rs.1000/- to purchase ice-cream. The complainant refused to give her the ice-cream. The complainant on suspicion followed the said lady. He with the help of a traffic police apprehended both ladies and took them to Chembur Police Station Mumbai. The personal search of accused no.1 resulted in the recovery of fake currency of Rs. 31,000/-. F.I.R. came to be lodged and registered and accused Nos. 1 and 2 came to be arrested.

6. That interrogation of accused no.1 resulted in the disclosure of the name of

Abdul Nawaz (accused no.3). He was apprehended by the Officers of the Respondent at Hyderabad on 23.9.2006. His search resulted in the recovery of two notes of Rs. 1000/- each and 57 notes of Rs. 500/- i.e. a total of Rs. 30,500/- came tobe seized. On being brought to Mumbai, he was arrested on 24.9.2006.

7. That during interrogation of accused No.3 led to the arrest of the present applicant (Accused no.5) i.e. Niyaz Abdul Rehman on 26.9.2006 at C.S.T. Railway Station, Mumbai, when he was about to leave for Hyderabad. Fifty seven currency notes of rupees 1000/- each and 200 currency notes of rupees 500/- each were found in his bag. Thus, total sum of Rs.1,47,000/-were recovered at his instance.

8. That, further interrogation of accused no.1 led to the arrest of Mohd. Mustafa (accused No.4) on 25.9.2006 from Sandhurst Road Railway Station and resulting in the recovery of fake currency notes of Rs. 2,50,000/-.

9. That further interrogation of accused no.1 resulted in arrest of the Rickshaw Driver (i.e. accused No. 6 at whose instance fake currency worth Rs.30,000/- were recovered from him.

10. The applicant-accused is in custody since time of his arrest. He is seeking bail under Section 439 of the Cr.P.C.

11. Having heard and seen the available material on record, on merits, in my considered view, the applicant is not entitled for bail.

12. The applicant-accused is in custody since the date of his arrest. He is seeking bail. Having seen the available material on record present applicant is not entitled for bail, though one of co-accused is released on bail on technical ground mentioned herein.

13. In the result, the application is rejected.

14. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J.)